

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JANE SWINNEY,

Plaintiff,

v.

MONSANTO COMPANY, et al.,

Defendants.

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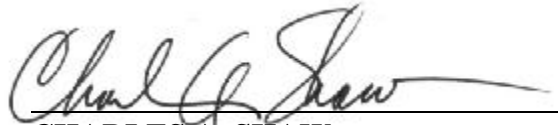
No. 4:05-CV-2005 CAS

ORDER

This matter is before the Court on a Motion for Substitution filed by Jack Swinney, husband of plaintiff Jane Swinney whose death has been suggested in the record. The motion for substitution should be denied without prejudice because it fails to establish (1) that the cause of action survives under applicable substantive law, and (2) that Mr. Swinney is the appropriate successor or representative of the deceased party.

Accordingly,

IT IS HEREBY ORDERED that the Motion for Substitution is **DENIED without prejudice.** [Doc. 15]


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 7th day of December, 2005.